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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,532	02/06/2004	Syed Noman Kazmi	085804-010601	6509
32361	7590	09/28/2007		
GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166			EXAMINER SCUDERI, PHILIP S	
			ART UNIT 2153	PAPER NUMBER
			NOTIFICATION DATE 09/28/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/773,532

Applicant(s)

KAZMI ET AL.

Examiner

Philip S. Scuderi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 26-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-25 in the reply filed on 9/12/2007 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 26-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 9-16, 18, and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hans (U.S. Pub. No. 2002/0120577).

As to claim 1, Hans teaches a system for facilitating access by users to digital content of one or more clients, the clients having client identifying information, the system comprising:

one or more remote sites (site of content provider nodes 16), each comprising one or more first servers (content provider nodes 16) configured to receive (capable of receiving) digital content

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from clients (content providers), the digital content to be available to users (users of user nodes 12) via the remote sites (site of content provider nodes 16) [see Hans at fig. 3, 5, ¶ 29];

a central site (site of content manager 11) geographically remote from the remote sites (site of content provider nodes 16), the central site (site of content manager 11) comprising one or more ingest queue servers (content manager 11) to direct transfer of digital content (digital works) to one or more of the first servers (content provider nodes 16) based on the client identifying information (information stored at content manager 11 such as profile 46, content identifiers, and the network node address at which the requested digital work is stored) [see Hans at fig. 3, 5, ¶ 29].

As to claim 2, Hans teaches that each client (client that provides the digital content to content provider nodes) is associated with a particular remote site (content provider node), the particular remote site (content provider node) storing digital content of the client [see Hans at fig. 3, 5, ¶ 29].

As to claim 3, Hans teaches that the client identifying information includes a location (address), the remote site proximate to the location (address) [see Hans at ¶ 29].

As to claim 4, Hans teaches that the location is a location of probable users of the client's digital content, the remote site and the client's digital content thus proximate to the location of probable users [see Hans at fig. 3].

As to claim 6, Hans teaches that two or more remote sites have a relationship to each other based on geographic location [see Hans at fig. 3, ¶ 29].

As to claim 9, Hans teaches that the client identifying information is a location (address) of the client (content provider) [see Hans at ¶ 29].

As to claim 10, Hans teaches that the client identifying information is an amount of digital content that the client has transferred [see Hans at ¶ 29 (“the number of times particular works are transferred”)].

As to claim 11, Hans further teaches that the central site (site of content manager 11) comprises one of more first servers (content manager 11) configured to receive digital content and make digital content available to users [see Hans at ¶ 27 (“the requested digital content may be retrieved from ... [the] content management node ... or may be transmitted from a remote content provider”)].

As to claim 12, Hans further teaches that the transfer of digital content is caused by a user's request to experience the content [see Hans at fig. 3, 5, ¶ 29].

As to claim 13, Hans teaches a method for facilitating access by users to digital content of one or more clients, the clients having client identifying information, the method comprising:

receiving information (profile 46, content identifiers, or network node address) about digital content at a central site (site of content manager 11) from the clients (user nodes 16) [see Hans at fig. 3, 5, ¶ 29];

analyzing the client identifying information (profile 46, content identifiers, or network node address) [see Hans at fig. 3, 5, ¶ 29]; and

directing transfer of digital content to one or more of the remote sites (sites of content provider nodes 16) based on the client identifying information (profile 46, content identifiers, or network node address) [see Hans at fig. 3, 5, ¶ 29].

As to claim 14, Hans teaches that each client (client that provides the digital content to content provider nodes) is associated with a particular remote site (content provider node), the

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particular remote site (content provider node) storing digital content of the client [see Hans at fig. 3, 5, ¶ 29].

As to claim 15, Hans teaches that the client identifying information includes a location (address), the remote site proximate to the location (address) [see Hans at ¶ 29].

As to claim 16, Hans teaches that the location is a location of probable users of the client's digital content, the remote site and the client's digital content thus proximate to the location of probable users [see Hans at fig. 3].

As to claim 18, Hans teaches that two or more remote sites have a relationship to each other based on geographic location [see Hans at fig. 3, ¶ 29].

As to claim 21, Hans teaches that the client identifying information is a location (address) of the client (content provider) [see Hans at ¶ 29].

As to claim 22, Hans teaches that the client identifying information is an amount of digital content that the client has transferred [see Hans at ¶ 29 ("the number of times particular works are transferred")].

As to claim 23, Hans further teaches: receiving digital content at the central site (site of content manager 11); and making the digital content available to users from the central site [see Hans at ¶ 27 ("the requested digital content may be retrieved from ... [the] content management node ... or may be transmitted from a remote content provider")].

As to claim 24, Hans further teaches that the transfer of digital content is caused by a user's request to experience the content [see Hans at fig. 3, 5, ¶ 29].

As to claim 25, Hans further teaches that the transfer is to a remote site located proximate to the user making the request [see Hans at fig. 3, 5, ¶ 29].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Pub. No. 2002/0120577) in view of Layeghi (U.S. Pub. No. 2002/0019823).

Hans does not expressly disclose using a character set in connection with the media content. However, it was well known in the art to embed text into a media file using an expected character set, as evidenced by Layeghi [see Layeghi at paragraph 25]. It would have been obvious to one of ordinary skill in the art to do the same here to provide additional information about the media content.

Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Pub. No. 2002/0120577) in view of Colby (U.S. Pat. No. 6,006,264).

Hans discloses that the user is directed to the “network node at which the requested digital work is stored (step 96)” [see paragraph 29]. However, Hans does not disclose what happens if there are multiple nodes that store the requested digital work.

In a similar art, Colby teaches a method for forwarding a request to a best-fit server based on server proximity to the client [see, e.g., Colby at abstract]. It would have been obvious to one of ordinary skill in the art to forward Hans’ requests a best-fit server based on client proximity to minimize network latency.

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Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Pub. No. 2002/0120577) in view of Mutton (U.S. Pub. No. 2002/0147840).

Hans does not disclose one or more servers for managing digital content at the remote site, receiving a request to access an item of digital content from a user, and in response to the request, and reading the item of digital content stored on at least one storage server. However, such a server was well known in the art as evidenced by Mutton.

In a similar art, Mutton teaches linking servers (700) that manage digital content by reading and directing received requests to access digital content to appropriate servers [see Mutton at fig. 7, paragraph 271]. It would have been obvious to one of ordinary skill in the art to use such servers here because they provided advantages such as user authorization and account management [see id.]

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip S. Scuderi/



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